

REMARKS

Claims 21 and 28 have been amended to correct a typographical error. In the amendment, the second reference to R¹ in the chemical structure in part (a) is replaced with R⁴.

The Examiner has rejected claims 14-33 under 35 U.S.C. 103(a) as being unpatentable over Koster et al, DE 19856727. The Examiner indicates that Formulas X and XII make the claimed invention obvious. The applicant traverses this rejection.

The applicant asserts that the formula of part a of claims 14 and 28 does not read on Formula XII. Applicant believes that the Examiner intends for R1 of the claims to correspond to R21 of Formula XII of Koster. In claim 14, R 1 represents a hydrogen whereas R21 of Koster et al. represents an alkyl group containing 2 to 22 carbons. In addition, R2 of claim 14 represents an alkyl residue having 6 to 18 carbons, whereas Koster et al. lacks this alkyl group and rather has a hydrogen at this location. In claim 28, R2 represents an alkyl residue having 1 to 18 carbons, as compared to a hydrogen in Koster. Therefore, formula of part a of claims 14 and 28 does not read on Formula XII of Koster and Koster does not make these claims obvious.

Furthermore, the list of nonionic surfactants taught by Koster et al. is too lengthy to prompt one of ordinary skill to select the specific nonionic surfactants claimed by the applicant and in the combination as claimed. Koster et al. teach a cleaner having an alkoxyated carboxylic acid ester as a first component and a betaine or an amine oxide as a second component. Koster et al. indicate that these are compulsory constituents (col. 2, l. 4-5; col. 2, l. 59). The Koster cleaner may optionally include other components, such as anionic surfactants, nonionic surfactants, amphoteric or zwitterionic surfatancts,

and solubilizers, and Koster provides numerous examples of each of these. From this lengthy list of optional components, the Office Action pulls out two examples of optional nonionic surfactants as teaching the invention claimed by the applicant. However, nonionic surfactants in general, and those of Formulas X and XII in particular, are not the focus of the application but rather are included in a lengthy list of possible optional components.

There is not sufficient evidence for a showing of obviousness that would prompt one of ordinary skill in the art to combine the two nonionic surfactants as claimed in parts a and b of claims 14, 21 and 28 based on the disclosure of Koster et al. The optional nonionic surfactants of Koster et al. are described beginning at column 5, line 46 and continuing to column 9, line 14. This lengthy disclosure names a long array of nonionic surfactants which are too numerous to count. From this list, the Office Action points to formulas X and XII and indicates that the claimed invention falls within the group of chemicals taught by these formulas. The nonionic surfactants of Koster et al. are considered optional, and need not be present at all in the Koster cleanser. Nowhere in the specification or in the Examples does Koster et al. suggest any particular combination of surfactants, and certainly not the particular combination of Formula X with Formula XII in a cleanser. In fact, the Examples provided in Koster et al. do not include any nonionic surfactants from either Formulas X or Formula XII.

Even assuming *arguendo* that some of the claimed nonionic surfactants do fall within the broad group of surfactants of Formulas X and XII, Koster does not in any way suggest the specific combination of these particular claimed surfactants within those groups. The specification includes a long list of nonionic surfactants, and within each of

Formulas X and XII, there are numerous possible chemicals. It would not be obvious to select the specific chemicals of the claimed invention from this lengthy list, and it would be even less obvious to combine them. See *In re Baird*, 16 F.3d 380 (Fed. Cir. 1994) holding that a compound which was encompassed within a given formula when specific variables were selected, with the formula encompassing a large number of compounds, was not obvious when nothing in the reference suggested selecting such variables.

Therefore, because Koster et al. suggest such a long list of nonionic surfactants which can optionally be included in a cleanser, and because they do not suggest any particular combination of nonionic surfactants, much less the claimed combination of nonionic surfactants, the claimed combination is not obvious and one of ordinary skill in the art would not be prompted to combine the two specific groups of nonionic surfactants as claimed by the applicant in claims 14, 21 and 28.

Furthermore, the applicants have made the unexpected discovery that the cleaning compositions of the invention result superior wetting behavior and residue characteristics. The cleaning compositions of the invention result in the same or better cleaning activity while using less than 3% anionic surfactants than is achievable with other compositions containing more than 3% anionic surfactants. The compositions of the invention also have very good wetting behavior using less than 3% anionic surfactant, as is otherwise only observed in compositions that contain more than 3% by weight of anionic surfactant.

The superior results obtained with the invention are demonstrated in the examples. Table 4a shows a comparison of the cleaning compositions of the invention (E1 – E4) as compared to other cleaning compositions which combined various

individual components (V1-V9). As shown, the cleaning compositions of the invention result in cleaning power comparable to, or better than, the comparison compositions. In addition, the wetting and residue characteristics of the cleaning compositions of the invention are superior to the comparison compositions. For the wetting test, the cleaning compositions of the invention scored 0 to -.4 (optimal to optimal/good wetting) versus the comparison compositions which scored -1.5 to -6.0 (good/slight deficiency to extreme wetting problems). For the residue behavior, the cleaning compositions of the invention scored 0 to -1.5 (uniform drying to almost uniform/slight haze), while the comparison compositions scored -2.0 to -5.0 (slight haze to patchy appearance with visible dull zones). These results show that the specific combination of the cleaning compositions of the invention is important and resulted in an unexpected and significant improvement over other combinations of components.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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